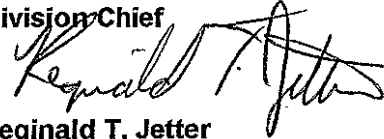




# Department of Permitting Services

## Division of Casework Management

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850

### CODE INTERPRETATION/POLICY

<b>Code/Year</b> <b>2004</b>	<b>Section of Code</b> <b>59-B-5.1 and</b> <b>59-B-5.3</b>	<b>Title of Code Section/Subsection/Policy</b> <b>Exemptions from Controls</b>
<b>Statement/Background of Issue</b> <p>Lots recorded prior to 1928 are subject to different development standards for new construction or additions than those required under today's Zoning Ordinance. Historically, the Department has had to interpret whether the original 1928 Zoning Ordinance controls development or if subsequent reenactments of the 1928 Code take precedent, particularly the 1930 Zoning Ordinance or amendments thereto.</p>		
<b>Division Interpretation/Policy</b> <p>For purposes of clarification and consistency, the Department has determined that the language of the 1928 Zoning Ordinance as originally enacted will be the single reference point for determining development standards on lots recorded prior to March 16, 1928. This is the code citation referenced in the current Zoning Ordinance and accurately reflects the language contained in the Zoning Text Amendment which amended Sections 59-B-5.1 and 59-B-5.3. Therefore, standards including minimum lot area and setbacks must comply with the provisions of the 1928 Code.</p>		
<b>Interpretation/Policy No.</b> <b>ZP0404-1</b>	<b>Date</b> <b>5/3/04</b>	<b>Division Chief</b>  <b>Reginald T. Jetter</b>
<b>Interpretation/Policy No.</b>	<b>Date</b> <b>5/3/04</b>	<b>Assistant County Attorney</b>  <b>Malcolm F. Spicer</b>
<b>Interpretation/Policy No.</b>	<b>Date</b> <b>5/5/04</b>	<b>Director</b>  <b>Robert C. Hubbard</b>